

REMARKS/ARGUMENTS

Initially, Applicant would like to express appreciation to the Examiner for the detailed Official Action provided, for the acknowledgment of Applicant's Information Disclosure Statement by return of the Form PTO-1449, for the acknowledgment of Applicant's Claim for Priority and receipt of the certified copy of the priority document in the Official Action, and for acknowledgement that the drawings are acceptable.

Upon entry of the above amendments claims 1 and 2 will have been amended, and claims 3-5 will have been added. Claims 1-5 are currently pending. Applicant respectfully requests reconsideration of the outstanding rejection, and allowance of all the claims pending in the present application.

In the Official Action, the Examiner has rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over Applicant's Admitted Prior Art ("AAPA") in view of GANTER (U.S. Patent No. 3,528,239).

Applicant respectfully traverses the above-noted grounds of rejection. Initially, Applicant submits that independent claim 1 (as well as claim 2, depending therefrom) has been amended solely for cosmetic proposes, i.e., for grammar and for easier reading. In this regard, Applicant notes that AAPA and GANTER, alone or in any proper combination, fail to teach or suggest the combination of elements as recited in claim 1. In particular, claim 1 sets forth an electric tape cutter including, inter alia, a fitted member of equal weight to the magnet, wherein the fitted member is embedded in the pinion gear at a location that is symmetrical to the position at which the magnet is provided with respect to

the axis of rotation of the pinion gear, such that eccentric rotation of the pinion gear is prevented.

Applicant submits that AAPA and GANTER, alone or in any proper combination, lack any disclosure of at least the above-noted combination of elements.

In this regard, the Examiner cites to AAPA as purportedly disclosing the general structure of an electric tape cutter. However, the Examiner acknowledges that AAPA does not disclose the present claimed fitted member. Nevertheless, the Examiner asserts that it would have been obvious to supply the above-noted deficiencies of AAPA with the purported teaching of GANTER. More particularly, the Examiner asserts that the left portion of element 11 (which GANTER discloses as a carrying plate) is a gear having a weight equal to the magnet 12.

However, contrary to the Examiner's assertions, GANTER merely discloses providing the carrying body with additional cut out parts (i.e., 11c) to provide a mass equalization with the eccentric parts of the elements and with the permanent magnet. Therefore, neither the AAPA nor GANTER, alone or in any proper combination, disclose at least a fitted member of equal weight to the magnet, wherein the fitted member is embedded in the pinion gear at a location that is symmetrical to the position at which the magnet is provided with respect to the axis of rotation of the pinion gear, such that eccentric rotation of the pinion gear is prevented, as recited in claim 1.

Further, Applicant submits that the Examiner is improperly interpreting both the gear and the fitted member as being element 11, or a portion thereof (see, page 2, paragraph 2, of the Official Action). In this regard, Applicant notes that present claim 1 of the present claimed invention sets forth both the gear and fitted member separately. Therefore, as discusses above, GANTER does not disclose a fitted member of equal weight to the magnet, wherein the fitted member is embedded in the pinion gear at a location that is symmetrical to the position at which the magnet is provided with respect to the axis of rotation of the pinion gear, such that eccentric rotation of the pinion gear is prevented, as recited in claim 1. Accordingly, the rejection of claims 1 and 2 under 35 U.S.C. § 103(a) is improper, and should be withdrawn.

Applicant further submits that new dependent claims 3-5 recite additional features of non-limiting embodiments of the present claimed invention, and no new matter is believed to have been added by the present amendment.

In view of the remarks herein-contained, Applicant submits that independent claim 1 is in condition for allowance. With regard to dependent claims 2-5, Applicant asserts that they are allowable on their own merit, as well as because of their dependencies from independent claim 1, which Applicant has shown to be allowable.

Thus, it is respectfully submitted that all of the claims in the present application are clearly patentable over the references cited by the Examiner, either alone or in combination, and an indication to such effect is respectfully requested, in due course.

SUMMARY

Applicant submits that the present application is in condition for allowance, and respectfully requests an indication to that effect. Applicant has argued the allowability of the claims and pointed out deficiencies of the applied references. Accordingly, reconsideration of the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested and is now believed to be appropriate.

Applicant notes that this amendment is being made to advance prosecution of the application to allowance, and no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. The amendments to the claims have not been made for a purpose related to patentability, but rather are cosmetic in nature, *i.e.*, the amendments have been made for easier reading. The amendments to the claims should thus be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. Accordingly, this amendment should not be considered a decision by Applicant to narrow the claims in any way.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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A handwritten signature in black ink, appearing to read "Wm. Boshnick".

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